IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 5827 of 2005

Between:

1 Govt of A.P., rep.by its Special Chief Secretary to Government,
Tr R & B Department, Secretariat,
Hyderabad.
2 Transport Commissioner, Govt. of Andhra Pradesh,
6th Floor, B.Block, B.R.K.R.Bhavan,
Govt. Offices Complex, Tankbund, Hyderabad.

PETITIONERS

AND

P.Pratap, Motor Vehicle Inspector,
Palvancha Check Post, Khammam District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ more in the nature of writ of certiorari calling for the records pertaining to O.A.No.1235 of 2003 on the file of the A.P.Administrative Tribunal and quash the same.

Counsel for the Petitioner:GP FOR SERVICES II

Counsel for the Respondent :MR. P.PRASADA RAO

The Court made the following :

ORDER: **(Per the Hon'bler Sri Justice G.Bikshapathy)**

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This Writ Petition is filed by the Government challenging the order dated 4-8-2004 in O.A.No. 1235 of 2003 on the file of the A.P. Administrative Tribunal, Hyderabad.

1. The Tribunal has directed the petitioners to reinstate the respondent in service after completing enquiry within four months.

2. It is stated by the learned Government Pleader that ACB case is pending against the respondent and it is not a departmental enquiry which is pending against him. Therefore, the question of fixing the time does not arise and the matter has to be disposed of by the ACB.

3. We have heard the learned counsel appearing on behalf of the respondent.

4. As per G.O.Ms.No.86, dated 8-3-1994, the upper limit is fixed for two years for conducting departmental enquiry and in the instant case the respondent was suspended on 29-1-2003 and two years have been elapsed.

5. Under these circumstances, we find that as the period of upper limit has expired, the petitioners are directed to reinstate the respondent into service pending the outcome of the criminal case.

6. With the above directions, the writ petition is disposed of. No order as to costs.

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G.Bikshapathy,J.

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P.S.Narayana,J.

13th April, 2005

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ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICE

To

1 Special Chief Secretary to Government, Govt of A.P.,
Tr R & B Department, Secretariat,
Hyderabad.
2 Transport Commissioner, Govt. of Andhra Pradesh,
6th Floor, B.Block, B.R.K.R.Bhavan,
Govt. Offices Complex, Tankbund, Hyderabad.

3. 2 CCs to G.P. for Services-II, High Court Buildings, Hyderabad

(OUT)

4. 2 CDs

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

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13th April, 2005.